WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

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ENROLLED

HOUSE BILL No. _9_

(By Mr. _Evans_)

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PASSED _March 5_ 1945

In Effect _90 Days from_ Passage

3-15

ENROLLED

House Bill No. 9

(By Mr. Evans)

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article four-a, relating to the discovery and suppression of syphilis by providing a compulsory serologic test for pregnant women.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article to be designated article four-a, to read as follows:

Article 4-a. Prenatal Examination.

Section 1. *Compulsory Serologic Test.*—Every pregnant

2 woman, resident in West Virginia, shall have a blood

3 sample taken and submitted to the West Virginia state

4 hygienic laboratory or other laboratory approved by the

5 state department of health where there shall be per-

6 formed thereon a standard serologic test for syphilis.

7 Any standard laboratory test for syphilis approved by the

8 state commissioner of health shall be considered to be

9 such a standard serologic test.

Sec. 2. *Attending Physician to Obtain Blood Speci-*

2 *men.*—Every physician engaging in attendance upon a

3 pregnant woman in West Virginia shall, as soon as he or

4 she is engaged to attend a woman and has reasonable

5 grounds for suspecting that pregnancy exists, acquaint

6 such woman with the provisions of this article and take

7 or cause to be taken a specimen of blood from such

8 woman. This specimen shall be submitted to the state

9 hygienic laboratory or other laboratory approved by the

10 state department of health as required by the preceding

11 section. If the woman is in a stage of gestation or labor at

12 the time that the diagnosis of pregnancy is made, which

13 may make it inadvisable to obtain the specimen, the

14 specimen of blood shall be obtained within ten days fol-

15 lowing delivery.

16 The state hygienic laboratory of the state health de-

17 partment shall perform the serological tests required by

18 law on all blood specimens taken from pregnant women

19 by physicians for examination. These tests shall be per-

20 formed without charge.

21 Upon request it shall be the duty of county and district

22 health officers to draw blood specimens from pregnant

23 women for performing thereon a serologic test for syphilis.

24 This service shall be performed without charge.

25 In those areas where the services of a district or county

26 health officer are not available, the state health depart-

27 ment shall assume the responsibility of obtaining the re-

28 quired blood specimens without any charge to the preg-

29 nant women.

Sec. 3. *Identification of Specimen; Report.*—Any phy-

2 sician who takes or causes to be taken from a woman

3 in pregnancy or suspected pregnancy a blood test for

4 syphilis shall identify such specimen as being from a

5 pregnant woman, and the laboratory shall provide a re-

6 port in triplicate on forms prepared and furnished by

7 the state department of health showing the results of

8 such tests. The original of each such report shall be

9 sent at once to the physician submitting the specimen, a

10 duplicate shall be forwarded to the bureau of venereal

11 diseases of the state department of health during the week

12 that the test was performed, and the triplicate shall be

13 retained by the laboratory for its files. All laboratory re-

14 ports shall be confidential and shall not be open to public

15 inspection. The laboratory test for syphilis in compliance

16 with this article shall be performed free of charge by the

17 state hygienic laboratory on the application of any mu-

18 nicipal or county health officer or other physician, or

19 any other person permitted by law to secure such speci-

20 mens.

Sec. 4. *Notation on Birth Certificate.*—Every physician

2 required to report births and stillbirths, shall state on

3 each birth certificate or stillbirth certificate, as the case

4 may be, whether a blood test for syphilis was performed

5 during such pregnancy upon a specimen of blood taken

6 from the woman who bore the child for which the birth

7 or stillbirth certificate is filed.

8   If such test was made, the physician shall state on the

9 certificate the name of the test used, the date the test

10 was performed and the name of the laboratory making

11 the test; if not made, the physician filing the certificate

12 shall state the reason or reasons why such test was not

13 performed. In no event shall the result of the test be

14 stated on the birth or stillbirth certificate.

Sec. 5. *Offenses; Penalty.*—Any physician or representa-

2 tive of a laboratory, making such examinations or tests

3 as are required by this article, or filing such birth or

4 stillbirth certificates, who shall knowingly misrepre-

5 sent any of the facts called for in the laboratory reports

6 or birth or stillbirth certificate, or who otherwise know-

7 ingly and wilfully shall violate any provision of this ar-

8 ticle, shall be guilty of a misdemeanor and upon convic-

9 tion thereof shall be subject to a fine of not less than ten

10 dollars nor more than fifty dollars.

Sec. 6. *Separability.*—If any part of this article shall

2 be declared unconstitutional, such declaration shall not

3 affect any other part thereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris
_____
Chairman Senate Committee

J. A. deGruyter Jr.
_____
Chairman House Committee

Originated in the _____House_____

Takes effect _90 Day from_ passage.

Herman Neff
_____
Clerk of the Senate

Ratliff
_____
Clerk of the House of Delegates

Arnold M. Vickers
_____
President of the Senate

John E. Amos
_____
Speaker House of Delegates

The within _Approved_ this the _15th_ day of _March_, 1945.

Clarence Meadows
_____
Governor.